

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

3MB CAPITAL, LLC,

Plaintiff,

vs.

TECHNOLOGY INSURANCE COMPANY,  
INC.,

Defendant.

CASE NO:

JUDGE:

MAGISTRATE:

**NOTICE OF REMOVAL**

Defendant Technology Insurance Company, Inc. ("TIC"), by and through its undersigned counsel, hereby gives notice of the removal to this Court of a state civil action pending in the Court of Common Pleas, Cuyahoga County, Ohio, and avers the following in support thereof:

1. Plaintiff 3MB Capital, LLC ("Plaintiff") commenced this action against TIC by filing a civil action complaint in the Court of Common Pleas, Cuyahoga County. That matter is docketed at Civil Action No. CV-17-875064. A copy of the Summons and Complaint is attached to this Notice as **Exhibit A**.

2. TIC received a copy of the Complaint by Federal Express at its offices in New York, New York on February 3, 2017.

3. TIC has not been served with any other papers, pleadings, or orders in this matter. TIC is filing herewith a full copy of the docket in the Cuyahoga County Court of Common Pleas action, which includes Plaintiffs' Complaint and Summons. (*See Exhibit A hereto.*)

4. TIC is serving this Notice within thirty days of receipt of Plaintiff's initial pleading as allowed by 28 U.S.C. § 1446(b).

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, as it is one that may be removed to this Court by a defendant pursuant to the provisions of 28 U.S.C. § 1441(b), in that: (a) it is a civil action between citizens of different states, and (b) the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, as Plaintiff seeks to recover compensatory damages it contends are in excess of \$25,000 attributable to the "catastrophic" and "extensive" losses suffered at its commercial apartment building on February 21, 2014 as the result of a fire, including repair and restoration costs and loss of business income, plus punitive damages and attorneys' fees. (*See* Complaint, Exh. A., ¶¶ 6-8, 23, 30.)

6. Complete diversity of citizenship exists among the parties in this matter. As alleged in the Complaint, Plaintiff is an Ohio limited liability company with its principal place of business in Cuyahoga County, Ohio. (Complaint, ¶ 1.) Plaintiff's sole member is Timothy Bratz, who is a citizen of Ohio. Defendant TIC is, and at all relevant times was, a Delaware corporation with its principal place of business in New York, New York. *See* Delaware Department of State: Division of Corporations Sheet, attached hereto as **Exhibit B**. TIC is the only named defendant in this action.

7. A true and correct copy of this Notice is being filed with the Clerk of the Court of Common Pleas, Cuyahoga County, pursuant to 28 U.S.C. § 1446(d).

8. Written notice of the filing of this Notice will be served on counsel for Plaintiff, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332 and 1441(b), Defendant Technology Insurance Company, Inc. respectfully requests that Plaintiff's civil action be removed from the

Court of Common Pleas, Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Diana H. Givand

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*Attorneys for Defendant Technology  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 2, 2017, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system, a true and correct copy of which has been served, via email, upon the following:

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*Counsel for Plaintiff, 3MB Capital, LLC*

/s/ Diana H. Givand  
Diana H. Givand (0085342)